

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF NORTH CAROLINA

DENC, LLC,	)	
	)	
Plaintiff,	)	<b>C.A. No. 1:18-cv-00754</b>
	)	
vs.	)	
	)	
PHILADELPHIA INDEMNITY	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

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**DEFENDANT PHILADELPHIA'S  
MOTION FOR SUMMARY JUDGMENT**

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**COMES NOW** Defendant Philadelphia Indemnity Insurance Company ("Defendant Philadelphia"), pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 7.3 for the U.S. District Court for the Middle District of North Carolina, and respectfully moves that the Court grant summary judgment on all issues in its favor in this action. Specifically, Defendant Philadelphia requests a declaration that the commercial lines policy, policy no. PHPK1737572, issued by Defendant Philadelphia to "DENC, LLC dba DENC I, LLC", does not provide coverage for the claim submitted by Plaintiff DENC, LLC ("Plaintiff DENC") for the damage to the breezeway of Building 2020 of The Crest Apartments near Elon University.

In support of its motion, Defendant Philadelphia relies upon the pleadings, discovery, depositions, and exhibits which have been produced through the course of

litigation in this action, as well as all other matters of record. The grounds and authority in support of this Motion are more fully set forth in the accompanying Memorandum of Law in Support, which memorandum demonstrates that there are no genuine issues of material fact and Defendant Philadelphia is entitled to judgment as a matter of law.

**WHEREFORE**, Defendant Philadelphia respectfully requests that the Court grant its Motion for Summary Judgment and declare that the commercial lines policy, policy no. PHPK1737572, issued by Defendant Philadelphia to “DENC, LLC dba DENC I, LLC”, does not provide coverage for the claim submitted by Plaintiff DENC for the damage to the breezeway of Building 2020 of The Crest Apartments near Elon University, as alleged in the Complaint.

This the 1<sup>st</sup> day of July, 2019.

**GOLDBERG SEGALLA LLP**

/s/ David L. Brown

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*Philadelphia Indemnity Insurance Company*

## **CERTIFICATE OF SERVICE**

I hereby certify that on this date, a copy of the foregoing Motion for Summary Judgment was filed electronically with the Clerk of Court using the Court's CM/ECF system. Parties may access this filing through the Court's system. Notice of this filing will be sent by operation of the Court's CM/ECF system to the following counsel of record.

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This the 1<sup>st</sup> day of July, 2019.

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